

**JUN 16 2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/739,618

Filed: December 18, 2000

Inventor(s):

John H. Howard

Title: Object-Based Storage Device with Improved Reliability and Fast Crash Recovery

Examiner: Duong, Thomas

Group/Art Unit: 2145

Atty. Dkt. No: 5181-59100

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below.

Lawrence J. Merkel

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Int

## REQUEST TO RESCIND FINALITY OF REJECTION

## MAIL STOP AF

Commissioner for Patents

P.O. Box 1450


Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted to request that the finality of the Office Action mailed May 26, 2006 be rescinded. The Office Action reopens prosecution from Applicant's Appeal Brief, and rejects independent claims 8 and 40 on newly cited art (as well as the other claims). Independent claims 8 and 40 have not been amended since the Request for Continuing Examination was filed in the captioned application on March 10, 2005. Accordingly, a Final Action rejecting these claims on new art is not proper. See MPEP 1207.04.

If any fees are due, the Commissioner is authorized to charge said fees to  
Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-  
59100/LJM.

Respectfully submitted,

  
\_\_\_\_\_  
Lawrence J. Merkel  
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Date: 6/16/06

JUN 16 2006



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Pages: 3, including cover page

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Date: June 16, 2006

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Re: U.S. Serial No. 09/739,618

Phone: 512-853-8800

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Attached please find a formal Request to Rescind Finality of Rejection for U.S. Application Serial No. 09/739,618.

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